

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE

10/15/04

Paper No. \_\_\_\_\_

TO SPE OF : ART UNIT 1761SUBJECT : Request for Certificate of Correction on Patent No. 09/846,989

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:  
Certificates of Correction Branch - PK 3-915  
Palm location 7580 - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

*Inventors and Drawing*

Thank You For Your Assistance

*Eva James*  
Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ Approved  
☐ Approved in Part  
☐ Denied

All changes apply.

Specify below which changes do not apply.

State the reasons for denial below:

Comments:

*Glenn Catlett*

Glenn Catlett  
Supervisory Patent Examiner  
Biology Center 17C

SPE

1764  
Art Unit



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Josephine E. LOMETILLO et al.

Confirmation No.: 3913

Patent No.: 6,713,101 B2

Application No.: 09/846,989

Patent Date: March 30, 2004

Filing Date: May 1, 2001

For: FROZEN DESSERT NOVELTY AND  
METHOD FOR ITS PREPARATION

Attorney Docket No.: 88265-4031

**REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.322**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

APR 22 2004  
of Correction

Patentees hereby respectfully request the issuance of a Certificate of Correction in connection with the above-identified patent. The corrections are listed on the attached Form PTO-1050, submitted in duplicate. The corrections requested are as follows:

On the title page at item [75] Inventors, please correct the name and residence address of the second-named inventor "Singhachai Surintranspanot, Dublin, OH (US)" to --  
-- Singhachai Surintrspanont, Bangkok, (TH) --. Support for this correction can be found on the Supplemental Declaration filed September 29, 3003.

Also, patentees submit herewith two (2) sheets of formal drawings for Figs. 1-6 to substitute for the drawings that were printed in the patent. The drawings printed in the patent are the informal drawings that were initially filed with the application on May 1, 2001. On July 16, 2001, however, applicants filed two (2) sheets of formal drawings for Figs. 1-6. A copy of the Submission of Formal Drawings is attached hereto along with a copy of the date-stamped postcard receipt from the Patent Office. It is submitted that the formal drawings that were timely and properly submitted during prosecution of the application should be presented with the issued patent.


Furthermore, it is respectfully submitted that a certificate of correction is not appropriate to make this correction. Instead, patentees respectfully request that the Patent Office issue a corrected patent in lieu of the certificate of correction as a more appropriate form for presenting the formal drawings in the patent. In addition, it is requested that the re-printed patent should be made at no cost to patentee.

As all of the requested changes are for errors that appear to have been made by the Patent Office, no fee is believed to be due for this request. Should any fees be required, however, please charge such fees to Winston & Strawn LLP Deposit Account No. 50-1814. Please issue a corrected patent or Certificate of Correction in due course.

Respectfully submitted,

4/28/04

Date



Allan A. Fanucci, Reg. No. 30,256

**WINSTON & STRAWN LLP**  
**Customer No. 28765**

202-371-5904

UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO.: 6,713,101 B2  
DATED: March 30, 2004  
INVENTORS: Lometillo et al.

Page 1 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page:

Item [75] Inventors, change "Singhachai Surintranspanot, Dublin, OH (US)" to  
-- Singhachai Surintrspanont, Bangkok (TH) --.

Replace Figs. 1-6 with the following figures:

1/2

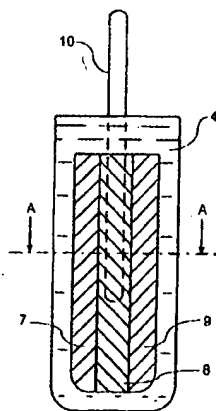


FIG. 1

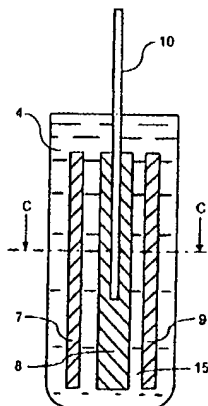


FIG. 4

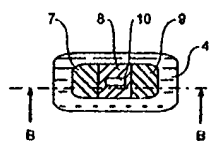


FIG. 2

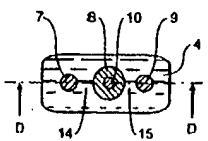


FIG. 5

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NB  
3/7/07

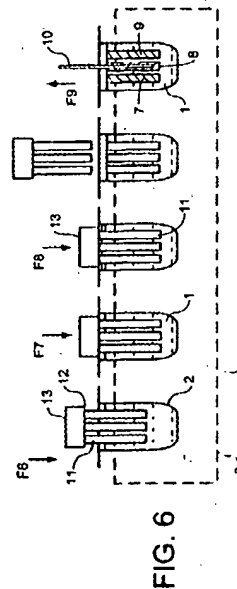
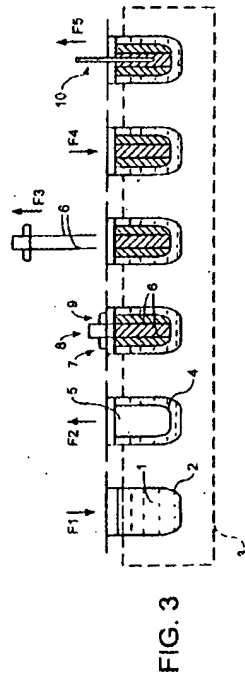
UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO.: 6,713,101 B2  
DATED: March 30, 2004  
INVENTORS: Lometillo et al.

Page 2 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

2/2



OK  
NB  
3/7/07

UNITED STATES PATENT AND TRADEMARK OFFICE  
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1/2

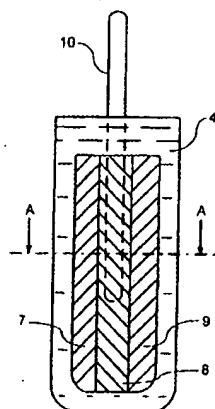


FIG. 1

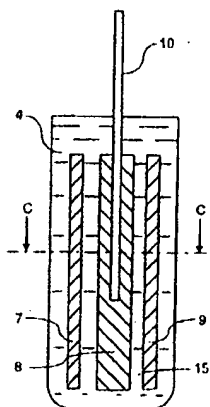


FIG. 4

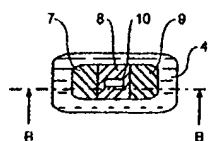


FIG. 2

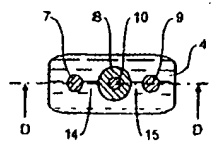


FIG. 5

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NB  
3/7/09

UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO.: 6,713,101 B2  
DATED: March 30, 2004  
INVENTORS: Lometillo et al.

Page 2 of 2

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2/2

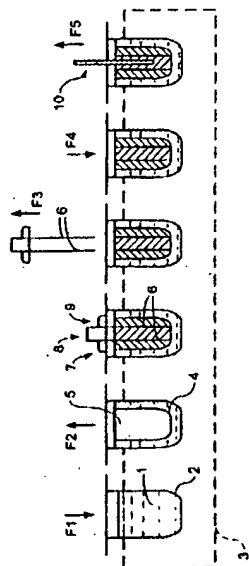


FIG. 3

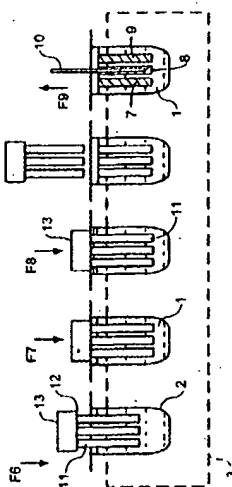


FIG. 6

OIC  
NB  
3/17/07



US006713101B2

(12) **United States Patent**  
Lometillo et al.

(10) Patent No.: **US 6,713,101 B2**  
(45) Date of Patent: **Mar. 30, 2004**

(54) **FROZEN DESSERT NOVELTY AND METHOD FOR ITS PREPARATION**

(75) Inventors: Josephine E. Lometillo, Hillard, OH  
(US); Singhachai Surintrspanont,  
Dublin, OH (US)

(73) Assignee: Nestec S.A., Vevey (CH)

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 273 days.

(21) Appl. No.: 09/846,989

(22) Filed: May 1, 2001

(65) **Prior Publication Data**

US 2002/0164403 A1 Nov. 7, 2002

(51) Int. Cl.<sup>7</sup> ..... A23G 3/00; A23G 9/00

(52) U.S. Cl. .... 426/91; 426/100; 426/249;  
426/68; 426/565; 426/576; 426/578

(58) Field of Search ..... 426/91, 100, 249,  
426/68, 565, 576, 578

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

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WO	WO 94/06305	3/1994

\* cited by examiner

Primary Examiner—N. Bhat

(74) Attorney, Agent, or Firm—Winston & Strawn LLP

(57) **ABSTRACT**

A frozen dessert novelty which is a water ice molded confection product that includes a thin translucent shell and a multi-colored core which is encased into the shell and which is visible in the product before and during consumption, and a process for preparing it. The product is mounted on a stick to facilitate handling and eating.

**19 Claims, 2 Drawing Sheets**

Surintrspanont, Bangkok (TH)

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3/7/07





Express Mail No. EH 803540430 US

Dated Mailed: July 16, 2001

Application of: J. LOMETILLO et al.

Application No.: 09/846,989

Filed: May 1, 2001

For: FROZEN DESSERT NOVELTY AND  
METHOD FOR ITS PREPARATION

Response to Notice to File Missing Parts of  
a NonProvisional Application

Executed Declaration;

Copy of Notice;

Executed Power of Attorney by Assignee; and

Executed Assignment with

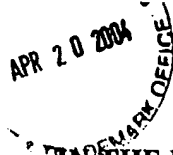
Assignment Recordation Cover Sheet; and

Submission of Formal Drawings (Figs. 1-6)

File No. 88265-4031

Sender: AAF/dk





Express Mail No. EL 803540430US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: J. LOMETILLO et al.

Application No.: 09/846,989

Group Art Unit: 1761

Filed: May 1, 2001

Examiner:

For: FROZEN DESSERT NOVELTY AND  
METHOD FOR ITS PREPARATION

Attorney Docket No.: 88265-4031

**SUBMISSION OF FORMAL DRAWINGS**

Assistant Commissioner for Patents  
Washington, D.C. 20231


Sir:

Applicants respectfully submit herewith two (2) sheets of formal drawings, corresponding to Figs. 1-6 and request entry of the enclosed drawings into the file of the above-identified application.

It is estimated that no fee is required for transmittal of the formal drawings. In the event a fee is required, please charge the required fee to Winston & Strawn Deposit Account No. 501-814. A copy of this sheet is enclosed.

Date: 7/16/01

Respectfully submitted,

  
Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN  
200 Park Avenue  
New York, New York 10166-4193

Enclosures

(212) 294-6700

APR 20 2004

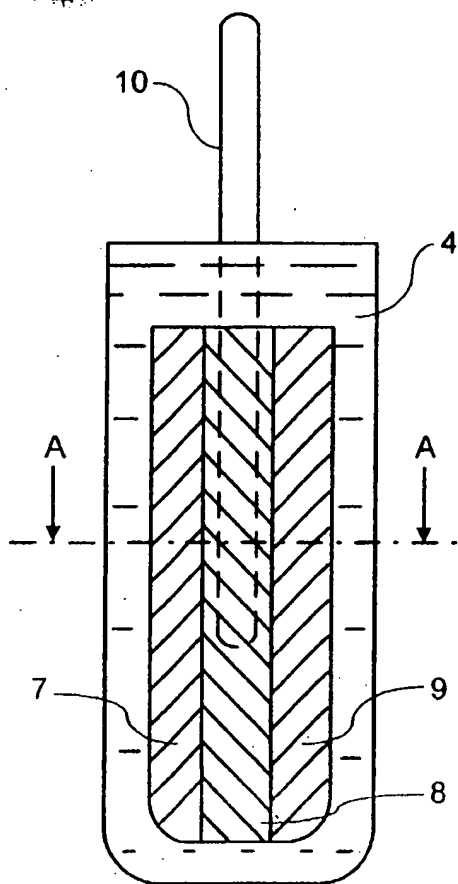


FIG. 1

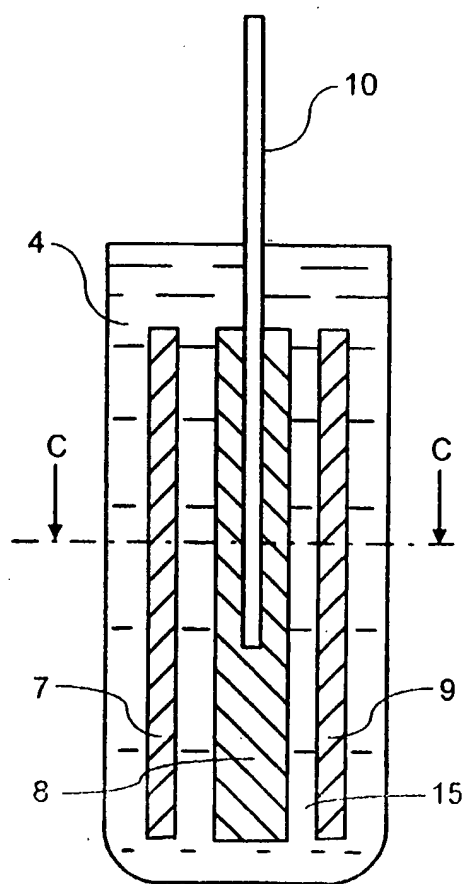


FIG. 4

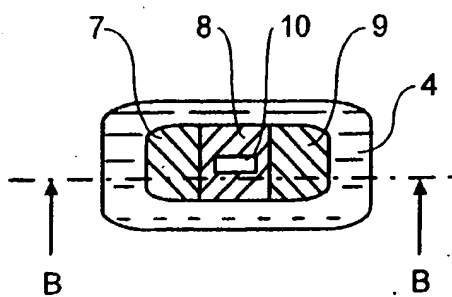


FIG. 2

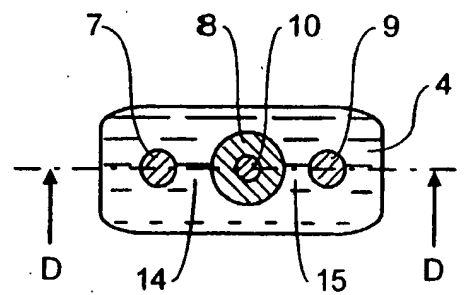


FIG. 5

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3/7/07

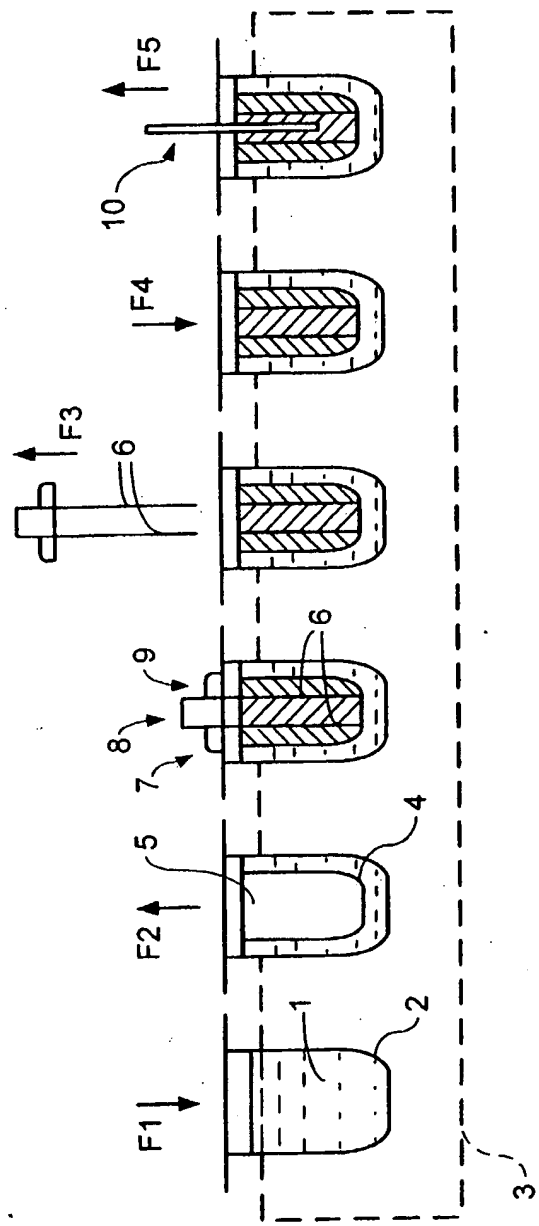


FIG. 3

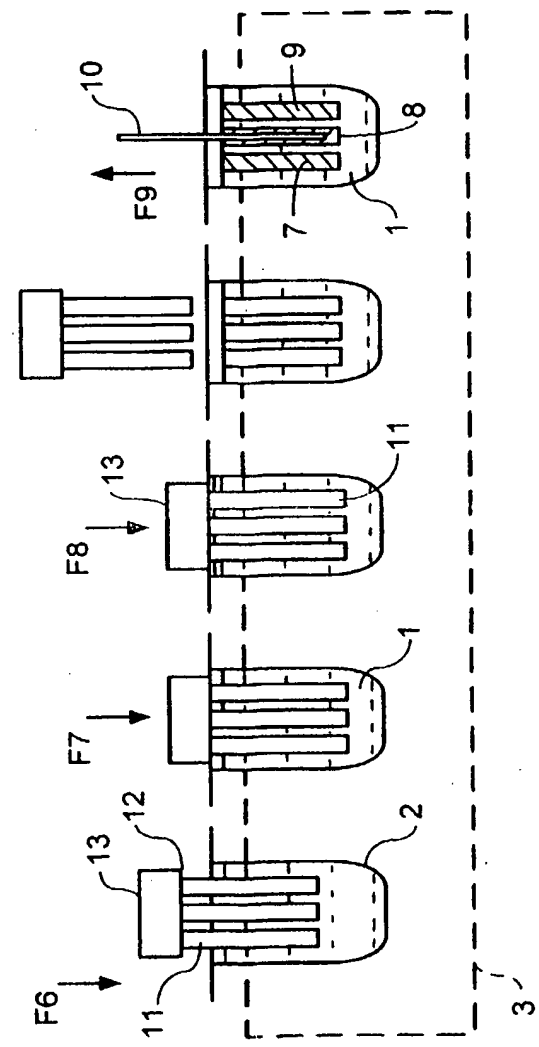


FIG. 6